

**TOWN OF DAVIE
REGULAR MEETING
SEPTEMBER 7, 2005**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:26 p.m. and was followed by the Pledge of Allegiance

2. ROLL CALL

Present at the meeting were Mayor Truex, Vice-Mayor Hubert, and Councilmembers Crowley, Paul (departed at 11:48 p.m.) and Starkey. Also present were Town Administrator Kovanes, Attorney Parke, and Town Clerk Muniz recording the meeting.

3. OPEN PUBLIC MEETING

Mayor Truex advised of the rules for the Open Public Meeting.

Tom Gill, representing resident Cindy Osborne, spoke of how recent Code changes affected the sale of her property and requested that the Town change the Code so her site would not be affected by existing penalties. Councilmember Crowley asked Development Services Director Mark Kutney whether an auto repair shop could be operated after the site was sold. Mr. Kutney advised that the business could still operate as long there was no intensification of the use.

Cindy Osbourne, 4420 SW 64 Avenue, spoke of the difficulties she faced in trying to sell her property and took issue with staff's comments to prospective buyers with regard to the site. Mr. Kovanes spoke of the Town's concern with regard to the development of the downtown area and felt a workshop was needed to address this issue. Mayor Truex agreed that a workshop with the Community Redevelopment Agency needed to be held to work on this issue. Councilmember Crowley voiced his frustration with the slow pace of redevelopment on Davie Road.

Louis Bianco, 6361 SW 38 Court, spoke of difficulties he faced selling his property on Davie Road.

Terry Roberts felt Hurricane Katrina relief efforts on the part of the Town could be better and spoke of his personal donation of overtime toward these efforts. Councilmember Starkey advised of the Davie Hurricane Relief fund and the www.daviehurricanerelief.org website set up to help residents who were displaced.

Robert Breslau, representative of Stiles Corporation, advised of 300 job vacancies at the Target site shopping center.

Donna Evans, representing the Police Athletic League (PAL), announced a demonstration with the Town's children to be held on October 1st at the Oak Hill Equestrian Center. She spoke of PAL's recent activities including horseback riding, football and hurricane relief and wanted residents to know that the parks program was funded by a grant. Ms. Evans clarified that Vice-Mayor Hubert had not stated that PAL was not sending children out to the parks. John Parker thanked Council for its support of the scholarship fund.

Joel Siegelman, 4123 West Lake Estates Drive, spoke of the recent neighborhood meeting regarding Wal-Mart. He felt Wal-Mart had an arrogant position with regard to Council's role.

June Connors, 1701 SW 127 Avenue, spoke of a developer that plowed down a berm in her neighborhood over the weekend. She felt better communication was needed between the Town, residents and homeowner's associations to protect residents from developers.

Kathy Tibbetts complained about truck traffic in the same area and asked that the Town take immediate action with regard to this developer. Councilmember Starkey asked that Mr. Kovanes look into this issue as no permit had been issued for truck traffic in the area. Mr. Kovanes advised that a permit had been issued on September 2nd for clearing and grubbing and had directed staff to put up a fence to prevent admittance to the property on 15th Manor. He spoke of staff's efforts to address

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“weekend madness” issues concerning individuals who took actions without government presence. Councilmember Starkey advised of the need to improve the culvert over Flamingo Road first.

John Ladue, 2961 SW 111 Terrace, questioned where a replacement fence could be placed on his property. Mr. Kutney advised that language was being worked into the appropriate amendment. Mr. Ladue spoke of sidewalk cracks that needed attention on 29th Court.

Stan Wilson, representing Memorial Healthcare, spoke of the therapeutic after school program at the Potter Park facility and announced that registration would be held the following night at the Eastside Community Center.

Linda Greck spoke of the importance of voting for the open space bond referendum to save the Town’s open space and retain Davie’s character. She encouraged residents to visit the Town’s website and www.davieopenspace.com for more information. Ms. Greck urged Council to look into setting up a ballot drop off box within the Town’s facility for those who did not feel comfortable mailing in their vote. Town Clerk Muniz advised that a box would be set up in the Town Clerk’s Office and that residents should drop off their vote by 12 o’clock.

Michael Bartlett, 4301 SW 105 Avenue, spoke in favor of the open space bond.

Marie Kaplan, 5721 SW 54 Court, complained about the nuisance of the Seminole Hard Rock property.

Karen Stenzel-Nowicki, 5480 SW 55 Avenue, spoke of the nuisance of the Seminole Hard Rock property and urged Council to look into other avenues to abate this. She read a letter she received from Code Compliance Official Daniel Stallone indicating his willingness to meet with other officials to pursue action to protect those affected in nearby communities.

Lloyd Phillips, 14220 SW 29 Court, wanted the Town’s emergency plan to be provided to the residents. He spoke of 100-acre area that had been plowed down at SW 26 Street and 142 Avenue, resulting in a vermin problem. Mr. Phillips complained about cars being stolen and requested that Council put a stop to any detail that allowed lawbreaking.

Valerie Losio, 5740 SW 54 Street, complained about the noise problem coming from the Seminole property and thanked Council for its support on this issue.

Terrie Gray, 5411 SW 58 Avenue, complained about noise coming from the Seminole Hard Rock property.

Sean Gray, 5411 SW 58 Avenue, voiced his concerns about noise coming from the Seminole Hard Rock property.

Mayor Truex closed the Open Public Meeting.

Mayor Truex advised the petitioner requested that item 4.26 be tabled to September 21, 2005.

Councilmember Starkey made a motion, seconded by Vice-Mayor Hubert, to table. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Truex advised that staff requested that item 6.7 be tabled to September 21, 2005.

Councilmember Starkey made a motion, seconded by Vice-Mayor Hubert, to table. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Truex advised that staff requested that item 4.20 be tabled to October 5, 2005. Mr. Kovanen advised that staff needed additional time to review and address additional questions that had come up. Councilmember Starkey requested copies of the complaint record when this item came back to Council.

Councilmember Paul made a motion, seconded by Vice-Mayor Hubert, to table. In a voice vote, all voted in favor. (Motion carried 5-0)

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Mayor Truex advised that staff requested that item 6.8 be tabled to October 19, 2005.

Councilmember Crowley made a motion, seconded by Vice-Mayor Hubert, to table. In a voice vote, all voted in favor. (Motion carried 5-0)

4. APPROVAL OF CONSENT AGENDA

Home Occupational Licenses

- 4.1. All Rite Dozer Services, Inc., 14750 SW 23 Street
- 4.2. Cape Coral Investment Associates, LLC, 3670 SW 106 Terrace
- 4.3. Coastal Site Development, Inc., 14750 SW 23 Street
- 4.4. Law Offices of Sunita Moses-Foote, 3651 SW 116 Avenue

Resolutions

- R-2005-236 4.5. **SR7/441 MASTER PLAN** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA APPROVING THE SR7/441 CORRIDOR MASTER PLAN DOCUMENT; AND AUTHORIZING THE MAYOR TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING HIS SIGNATURE TO SAID RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE. (tabled from August 3, 2005)
- R-2005-237 4.6. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE DEVELOPERS AGREEMENT DA 6-1-05 LONG LAKE RANCHES, AMENDING A CONDITION OF APPROVAL ASSOCIATED WITH THE PLAT KNOWN AS LONG LAKE ESTATES II, WHICH WAS APPROVED BY RESOLUTION NO. R-2000-210; AND PROVIDING FOR AN EFFECTIVE DATE. (3201 Hiatus Road, 3304 Hiatus Road and 3501 Nob Hill Road) (tabled from August 17, 2005)
- R-2005-238 4.7. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE DEVELOPERS AGREEMENT DA 6-2-05 BLACKHAWK RANCHES, CONSENTING TO THE ELIMINATION OF OFF-SITE IMPROVEMENTS REQUIRED BY BROWARD COUNTY FOR THE PLAT KNOWN AS BLACKHAWK RANCHES; AND PROVIDING FOR AN EFFECTIVE DATE. (4450 Hiatus Road) (tabled from August 17, 2005)
- R-2005-239 4.8. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE TECHNICAL SERVICE SUPPORT AGREEMENT WITH MEDTRONIC PHYSIO-CONTROL CORP. FOR MAINTENANCE OF THE FIRE RESCUE DEPARTMENT'S LIFEPAK 12 MONITOR/DEFIBRILLATORS AND BATTERY SUPPORT SYSTEMS. (\$17,983.83)
- R-2005-240 4.9. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE A LAW ENFORCEMENT MUTUAL AID AGREEMENT BETWEEN THE TOWN OF DAVIE AND THE SEMINOLE TRIBE OF FLORIDA FOR VOLUNTARY COOPERATION AND OPERATIONAL ASSISTANCE.

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- 4.10. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2005-241 APPROVING AND EXECUTING AN INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND THE TOWN OF DAVIE, CONCERNING UNIFORM COLLECTION AND ENFORCEMENT OF NON-AD VALOREM ASSESSMENTS.
- 4.11. **GRANT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING
R-2005-242 THE APPLICATION FOR A \$200,000 GRANT FROM THE FLORIDA RECREATION DEVELOPMENT ASSISTANCE PROGRAM (FRDAP) TO CONSTRUCT A WATER PLAY AREA AT DAVIE PINE ISLAND PARK; AND AUTHORIZING ACCEPTANCE AND EXECUTION OF THE GRANT, IF AWARDED (WITH \$200,000 MATCHING FUNDS).
- 4.12. **GRANT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING
R-2005-243 THE APPLICATION FOR A \$92,425 GRANT FROM THE FLORIDA DEPARTMENT OF HEALTH, EMS MATCHING GRANT PROGRAM, FOR THE PURCHASE OF AEDS; AND AUTHORIZING ACCEPTANCE AND EXECUTION OF THE GRANT (WITH \$23,106 MATCHING FUNDS).
- 4.13. **NATIONAL INCIDENT MANAGEMENT SYSTEM** - A RESOLUTION OF THE
R-2005-244 COUNCIL OF THE TOWN OF DAVIE, FLORIDA, ADOPTING THE NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS) PER HOMELAND SECURITY PRESIDENTIAL DIRECTIVE HSPD/5 TO PROVIDE FOR DOMESTIC INCIDENT MANAGEMENT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.
- 4.14. **CHANGE OF INTENDED USE** - A RESOLUTION OF THE TOWN OF DAVIE,
FLORIDA, AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE A RESOLUTION AMENDING RESOLUTION R-96-071, CHANGING INTENDED USE OF TRACT 41 FROM OPEN SPACE TO PUBLIC PURPOSE; AND PROVIDING AN EFFECTIVE DATE. (Flamingo Road Fire Station, 2590 South Flamingo Road)
- 4.15. **PARK NAMING** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2005-244 AUTHORIZING THE NAMING OF THE PARK LOCATED AT 14900 STIRLING ROAD AS FALCON'S LEA PARK.
- 4.16. **PARK NAMING** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2005-245 AUTHORIZING THE NAMING OF THE PARK LOCATED AT 5350 SW 58 AVENUE AS EAST DAVIE NATURE PARK.
- 4.17. **PARK NAMING** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2005-246 AUTHORIZING THE NAMING OF THE PARK LOCATED AT 5300 GRIFFIN ROAD AS SUNNY LAKE BIRD SANCTUARY.
- 4.18. **PARK NAMING** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2005-247 AUTHORIZING THE NAMING OF THE TOWN OF DAVIE PARK LOCATED AT 5695 SW 52 AVENUE AS SILVER LAKES ROTARY NATURE PARK.

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- 4.19. **PARK NAMING** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2005-248 AUTHORIZING THE NAMING OF THE PARK LOCATED AT 2300 SW 71
TERRACE AS WES GRIFFIN PARK.
- 4.20. **BUS TRANSIT SERVICE** - A RESOLUTION OF THE TOWN OF DAVIE,
FLORIDA, SELECTING THE FIRM OF QUALITY TRANSPORT SERVICES, INC.
TO PROVIDE BUS TRANSIT SERVICES FOR THE GREEN ROUTE AND
AUTHORIZING THE TOWN ADMINISTRATOR OR HIS DESIGNEE TO
NEGOTIATE AN AGREEMENT FOR SUCH SERVICES.
- 4.21. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE
R-2005-249 BID FOR CONSTRUCTION OF THE PUBLIC WORKS/FIRE ADMINISTRATION
BUILDING AND THE PUBLIC WORKS STORAGE BUILDING. (Seldin
Construction Company - \$2,825,100)
- 4.22. **RATIFICATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2005-250 RATIFYING THE ACTIONS OF THE MAYOR IN DECLARING A STATE OF
EMERGENCY WITHIN THE TOWN OF DAVIE DUE TO THE EFFECTS OF
HURRICANE KATRINA; AND PROVIDING FOR AN EFFECTIVE DATE.
- 4.23. **DELEGATION REQUEST** - A RESOLUTION OF THE TOWN OF DAVIE,
R-2005-251 FLORIDA, APPROVING THE DELEGATION REQUEST, DG 10-2-04 RICK CASE
HYUNDAI, TO VACATE AN EXISTING NON-VEHICULAR ACCESS LINE AND
TO ESTABLISH A NEW NON-VEHICULAR ACCESS LINE ON THE PLAT
KNOWN AS THE POINTE WEST CENTER NORTH PLAT; AND PROVIDING AN
EFFECTIVE DATE. (3550 Weston Road)
- 4.24. **WAIVER** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA WAIVING
R-2005-252 ALL APPLICABLE TOWN PERMIT FEES RELATIVE TO REPAIRS AND
RENOVATIONS MADE TO THE HOME OF VIONA BUTLER AND THE FACILITY
RENTAL FEE FOR THE DAVIE POLICE ATHLETIC LEAGUE FACILITY FOR A
FUNDRAISING EFFORT; AND PROVIDING FOR AN EFFECTIVE DATE.

Temporary Use Permit

- 4.25. TU 8-3-05, Rick Case Hyundai Sale, 3550 Weston Road (promotional tent sales)

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Quasi-Judicial Consent Agenda

4.26. PETITIONER REQUESTING A TABLING TO SEPTEMBER 21, 2005

P 5-5-04, Shenandoah Square, 13600 State Road 84 (B-2) (tabled from August 17, 2005) *Site Plan Committee recommended approval based on the planning report and these items: 1) that the color of this building is to match the existing center, even if it is two or three colors and to add a stucco band around the columns and the building which if it is to match the existing building, it would be white with a separation between the two colors; 2) the roof is to be a clay barrel tile to match the existing center (not cement); 3) the soffit over the drive-thru at the south end should be pulled back to within one-foot of the face of the column to allow a 14-foot clear height underneath the roof overhang at the bypass lane; 4) on the east side of the existing eastern drive that is currently a one-way driveway, remove the current 45° angle parking spaces to reconfigure that area to a 22 to 24-foot two-way drive curbed on the east side adding a little bit of landscaping in what would become an island so that part of that area will allow a two-way drive circulation, all of which is to be reviewed by Engineering; 5) add a stop sign at the north end; and 6) that the stucco band which is to be added around the building and columns is to be three-feet above finished floor*

- 4.27. SP 12-1-04, Flamingo Ranch Estates, 11900 SW 14 Street (A-1) *Site Plan Committee recommended approval based on the planning report and 1) to address the issue of the Rural Lifestyle Code §12-289(A)(2), "of the six-hundred-foot block" [block length is approximately 1,200 linear feet] regarding a required pathway into a community; 2) on the south property line, install a chain-link fence and a hedge on petitioner's property, however, the hedge is to be maintained by the property owners to the south; 3) on the recreation trail connection at the east, to be continued northeast and connect up to the horse trail which goes across the canal and continues east, as it crosses 14th Street, that it be marked as a crossing; and 4) at the trails on SW 121 Avenue and 14 Street, that the proper markings be made to make the crossings on both those roads*

Mayor Truex advised that residents wanted item 4.14 pulled. Councilmember Paul pulled items 4.23, and 4.27. Councilmember Starkey pulled items 4.6, 4.7, and 4.22. Vice-Mayor Hubert pulled items 4.1, 4.3, 4.5, 4.9, and 4.11. Mayor Truex pulled item 4.4.

Councilmember Crowley made a motion, seconded by Mayor Truex, to approve the Consent Agenda minus items 4.1, 4.3, 4.4, 4.5, 4.6, 4.7, 4.9, 4.11, 4.14, 4.22, 4.23, and 4.27. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Truex recognized the family of Wes Griffin who were in attendance. He spoke of the Town's respect and appreciation for Officer Griffin and stated that the park dedication would be a memorable event.

5. DISCUSSION OF CONSENT AGENDA ITEMS

4.1 Vice-Mayor Hubert made a motion, seconded by Councilmember Paul, to approve subject to a written letter stating the applicant would never store equipment on the property. In a voice vote, all voted in favor. (Motion carried 5-0)

4.3 Vice-Mayor Hubert made a motion, seconded by Councilmember Paul, to approve subject to a written letter stating the applicant would never store equipment on the property. In a voice vote, all voted in favor. (Motion carried 5-0)

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4.4 Mayor Truex questioned how a law office would be run without clients at the site.

Vice-Mayor Hubert made a motion, seconded by Mayor Truex, to approve subject to a written letter stating there would be no clients at his house. In a voice vote, all voted in favor. (Motion carried 5-0)

4.5 Vice-Mayor Hubert referred to paragraph 5 and stated that she wanted the actual number of workforce housing units to be stated. Shirley Taylor-Prakelt, Housing and Community Development Director, was not sure of the exact number but advised that a general guideline used was 20% workforce units. Vice-Mayor Hubert requested that the term "workforce units" be used instead of "affordable". Ms. Taylor-Prakelt suggested a staggered rental level to retain the mixed use.

Karen Stenzel-Nowicki, Steering Committee Chair for the Town's State Road 7 redevelopment project, spoke of her personal concern about noise coming from the Seminole property, which she felt, would affect surrounding residential usage. She spoke of the need for cooperation among the Town, Broward County, the transportation authority, and surrounding municipalities including the Seminole Hard Rock Hotel and Casino, in order to make the redevelopment a success. Ms. Stenzel-Nowicki could not recommend moving forward in good conscience before a resolution addressing the noise problem was put forth.

Will Allen, Redevelopment Administrator, spoke of the Community Redevelopment Agency's efforts in support of the project. Development Services Director Mark Kutney spoke of the progress of the project.

Vice-Mayor Hubert asked if the 15% figure could be written into the documentation. Mr. Kutney advised of the land use plan, development Code changes and additional land use changes that would be needed. He indicated that the approval that evening was only for the visual concept and that as the plan was refined, actual numbers would be addressed.

Neil Kalis, 7320 Rosen Road, encouraged the Town to approve the resolution. He believed the number of workforce units would change depending on how plans for the corridor evolved.

Jim Aucamp, Vice-Chair of the Economic Development Committee (EDC), voiced the Committee's support of the project and requested that Council approve the resolution.

John Pisula, also representing the EDC, spoke in support of the plan. He felt the realignment of the roads was an important issue to address as well.

Councilmember Crowley supported the 15% workforce housing that Vice-Mayor Hubert requested. He commended the charette committee and supported the concept at this point.

Mayor Truex was uncomfortable with the way the housing percentages were stated. He was also unhappy with the issue on the number of units.

Councilmember Starkey acknowledged the difficulty of trying to push for mixed densities and mixed incomes. She voiced her support for the conceptual plan at this point. Councilmember Starkey preferred that Council consider use percentage and density requests as a leverage tool later on in the negotiations.

Councilmember Paul was proud of the collaborative efforts and spoke in support of the plan.

Vice-Mayor Hubert made a motion, seconded by Councilmember Starkey, to approve subject to including language indicating that a target of 15% of the units be workforce housing. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Hubert - yes; Councilmember Crowley - yes; Councilmember Paul - yes; Councilmember Starkey - yes. (Motion carried 5-0)

4.14 Darlene Sierocak, 12882 SW 26 Street, felt her community along 26th Street would be largely impacted and complained of the lack of notification given to her community. Mayor Truex asked if she was opposed to the fire station if 26th Street was not opened. Ms. Sierocak felt the 38th Street

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station should be renovated which would cause less impact to residences and children. Mayor Truex asked if notification had been sent to the public on this item. Bruce Bernard, Public Works and Capital Projects Director, indicated that public notification for the fire station had been sent to residents within a 1,500-foot radius. He explained that the Development Review Committee (DRC) meeting addressed changing the site to a community facility and this resolution did not address 26th Street.

Charlene Warren, a resident of SW 26 Street, advised that she had not received public notice of the meeting. She disagreed with Mr. Bernard and felt the 26th Street issue was relevant as it was part of the access.

Andrew Silverman, 12852 SW 26 Street, felt the Town should reconsider this request and that opening 26th Street would lead to injuries as neighborhood children played on that street.

Willie Zamora, 12792 SW 26 Street, stated that if the fire station were approved, 26th Street would be open and therefore, cause a tremendous impact on children in the neighborhood.

Emmanuel Poo, a resident of 26th Street, spoke of the children playing on the street and felt allowing the station would lead to the opening of 26th Street. He read an email from the Engineering Department that addressed opening the street for emergency access.

Mr. Ladue advised that he had received no notification.

Stewart Alvarez, 12721 SW 26 Street, voiced his concern about the likely opening of 26th Street.

Angel Picardo, 12941 SW 26 Street, was opposed to opening the fire station in light of the number of children who played on the street.

Linda Greck, 3121 SW 116 Avenue, advised that she received no notification and voiced her concern that an open space parcel was so easily converted to a public use parcel.

Scott Moorcroft, 4650 SW 70 Terrace, spoke of the proposed open space bond, which contradicted the removal of this open space parcel.

Mayor Truex indicated that another public meeting was warranted. Councilmember Paul spoke against this project and recalled her longstanding opposition to opening 26th Street. Councilmember Starkey felt the Town should look into phased replacements of the Flamingo Road station. She spoke of her ongoing support for the Police and Fire Departments but was against this project because of the residential impacts. Councilmember Starkey felt the services could be provided in other ways without impacting residents in the area.

Councilmember Starkey made a motion, seconded by Councilmember Crowley, to deny.

Mayor Truex stated that it was wrong to deny without hearing from the Fire Department. Councilmember Crowley felt this was an open space area and pointed out the contradiction of the \$25 million open space bond. Mayor Truex asked how many acres the site was with Mr. Kovanes responding three acres. Mayor Truex pointed out that in some instances, land usages had to be swapped for public service usage. He stated that the Town would get back more acreage from the old site. Councilmember Crowley questioned what would be done with the existing site.

Ms. Sierocak voiced her frustration about how difficult it was to get DRC on this project. She felt the public meeting was useless without all the pieces of the puzzle in place. Mayor Truex assured residents that no information was being purposely withheld from them.

Councilmember Starkey wanted to see the capital budget and meeting minutes from the time this project was approved. She also requested information on any related public discussion on this item.

Mayor Truex asked if this was time sensitive. Mr. Kovanes advised that Fire Chief Don DiPetrillo was researching all the thoroughfares that serviced the area. Mr. Kovanes stated that he would bring thorough information back to Council on all the methodology being researched, which would allow time for additional public meetings. Mayor Truex felt it was wrong to kill this item without all the relevant information.

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Councilmember Starkey requested the relevant bond issue details which showed the renovations of the existing fire station along with response times which would affect the area.

Deputy Fire Chief Steve Eggnatz requested that the item be tabled so a public meeting could be held to meet with residents. Mr. Kovanes explained that this matter could be tabled. Councilmember Crowley felt that Chief DiPetrillo should meet with the residents to see if they favored using the site on a temporary basis until the other site at Flamingo Road was rebuilt.

Councilmember Paul felt that even if the plan was denied, there would be no reason why an alternate plan could not come forward in the future. Mayor Truex felt "shooting from the hip was not good government" and wanted Council to have the fire chief present before denying.

In a roll call vote, the vote was as follows: Mayor Truex - no; Vice-Mayor Hubert - no; Councilmember Crowley - yes; Councilmember Paul - yes; Councilmember Starkey - yes. (Motion carried 3-2)

4.6 Councilmember Starkey requested a report on the public meetings for Hiatus Road improvements. Public Works/Capital Projects Director Bruce Bernard spoke of the residents' input and of additional construction costs needed to do both projects under the same contract.

Councilmember Crowley made a motion, seconded by Councilmember Starkey, to approve.

Vice-Mayor Hubert asked about the Town's cost. Mr. Bernard estimated that \$700,000 would come to the Town and advised of a contingency of 15% in case something went wrong. Vice-Mayor Hubert inquired what would be at Hiatus Road and Orange Drive. Mr. Bernard advised that a three-way feature incorporating a longer radius for horse trails would be in place.

Mayor Truex asked if Mr. Kutney or staff had any objections. Development Services Director Mark Kutney replied in the negative. Mayor Truex invited the public to speak on this item.

John Ladue stated he supported the project so long as GL Homes had nothing to do with it.

Linda Greck spoke in support of the improved safety features.

In a voice vote, all voted in favor. (Motion carried 5-0)

4.7 Councilmember Starkey made a motion, seconded by Councilmember Crowley, to approve.

Mayor Truex asked if Mr. Kutney or staff had any objections. Mr. Kutney replied in the negative.

In a voice vote, all voted in favor. (Motion carried 5-0)

4.9 Vice-Mayor Hubert asked what the Town would receive from the agreement and spoke of the current noise issue. Police Chief John George explained that the mutual aid part of the agreement gave the Town's and the Seminole's Police Departments the mutual authority to conduct criminal investigation.

Ms. Stenzel-Nowicki requested that the Town include language in the agreement that would give the Town's Police Department the authority to communicate with the Seminole's on noise and disturbance issues. Councilmember Paul questioned whether this suggestion was appropriate for a mutual aid agreement. Chief George did not think this was appropriate for the agreement but was willing to take something back to the Tribe's counsel as a means of opening the door to addressing this issue.

Councilmember Paul made a motion, seconded by Mayor Truex, to approve. In a voice vote, with Councilmember Starkey out of the room, all voted in favor. (Motion carried 4-0)

4.10 Mr. Parke explained that the County's attorney had asked the Town to make revisions to the agreement.

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Councilmember Crowley made a motion to reconsider this item. The motion died for lack of a second.

Councilmember Paul made a motion, seconded by Vice-Mayor Hubert, to approve with the amended Interlocal Agreement. In a voice vote, with Councilmember Crowley dissenting, all voted in favor. (Motion carried 4-1)

4.11 Vice-Mayor Hubert questioned the wording of the resolution and was concerned that the Town would spend the money and not get anything back. Parks and Recreation Director Dennis Andresky explained that the worse case scenario was the Town would not receive the grant and if so, it would not fund the project. He added that no construction would begin until next year.

Councilmember Starkey explained that the project was part of a capital project tied into the voter-approved bond issue back in 1998. She voiced her support for the project.

Vice-Mayor Hubert made a motion, seconded by Councilmember Starkey, to approve subject to the awarding of the grant. In a voice vote, all voted in favor. (Motion carried 5-0)

4.22 Councilmember Starkey wanted the Town to send letters to FEMA pertaining to individual reimbursements for victims of Hurricane Katrina. Councilmember Starkey requested that Mitchell Chester give comments on the Town's efforts.

Mr. Chester, a resident of the Town, spoke of Davie's Hurricane Relief website and of efforts in place to help those displaced after Hurricane Katrina. He voiced his concern that homeowner's associations and mobile home parks did not provide information on their emergency preparedness measures on the Town's website.

Councilmember Starkey discussed the importance of local governments and residents taking care of themselves. She spoke of the Town's fund set up to help residents in need. She thanked Mr. Chester, residents and staff who participated in this effort and encouraged residents to contact Mr. Chester if they wished to submit additional content to the site.

Councilmember Starkey made a motion, seconded by Councilmember Paul, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

4.23 This item was approved later in the meeting during discussion of item 6.3

4.27 Mr. Parke read the rules of evidence and swore in the witness. Mr. Kutney summarized the staff report and advised that the applicant had held public participation meetings on April 8 and April 15, 2005.

Councilmember Paul was concerned that water retention on the site restricted the ability to have horses on the properties. Mr. Kutney acknowledged this concern and advised that this was a likely impact. Councilmember Paul was also concerned about excessive asphalt and the unnecessary expansion of 14th Street, as well as the site-specific plats. She wanted Council to stay away from site-specific plat issues going forward.

Gus Aguirre, representing the petitioner, advised that the applicant had followed staff's instructions and all Code requirements. Councilmember Paul asked whether there would be a homeowner's association. Mr. Aguirre responded in the affirmative. Councilmember Paul was not happy with the dry retention feature. Mr. Aguirre pointed out that the dry retention could not be filled with anything as it was within the setbacks.

Mr. Parke opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Councilmember Paul advised that she had spoken with staff and may have spoken to Julie Aitken.

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Mayor Truex asked about access in lieu of the extended roadway. Councilmember Starkey suggested only one-way access into the center and was not happy with the site plan with the road down 14th Street. She felt a one-way road with a turnaround at the cul-de-sac was sufficient and she was concerned about the dry retention.

Mr. Aguirre spoke of the mounting expenses the applicant had spent on getting approvals from various authorities for the existing site plan. Councilmember Crowley added that the original site plan he viewed one year ago was a different design. He questioned the purpose of the additional sidewalk between lots 4 and 5. Mr. Aguirre advised that this was done to Code and that the Site Plan Committee had agreed to this. Councilmember Crowley was also unhappy with the dry retention feature. Mr. Aguirre stated that the owners had a sale agreement with the current layout.

Councilmember Starkey suggested tabling this item to give the applicant time to consider eliminating the road and working with staff to develop a site that met the Town's rural lifestyle initiative. Mr. Kutney explained that the two cul-de-sacs shown on the original design would violate the Code. Councilmember Paul suggested a T-turn for the fire trucks instead of a cul-de-sac. Mr. Aguirre had no objections and indicated that he would bring the approved plat to the next meeting. Mr. Kutney agreed with tabling this item for further review of the plat before the next meeting.

Councilmember Crowley made a motion, seconded by Councilmember Starkey, to table to September 21, 2005. In a voice vote, all voted in favor. (Motion carried 5-0)

6. PUBLIC HEARING

Resolution

6.1. **CONTRACT AMENDMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A CONTRACT AMENDMENT FOR COLLECTION AND DISPOSAL OF SOLID WASTE, BULK WASTE, RECYCLING AND CONSTRUCTION AND DEMOLITION DEBRIS BETWEEN THE TOWN OF DAVIE AND WASTE MANAGEMENT INC. OF FLORIDA; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**
R-2005-253

Town Clerk Muniz read the resolution by title.

Mayor Truex opened the public hearing portion of the meeting.

Mr. Ladue asked if Waste Management would have the sole contract for collection of construction debris. Mr. Kovanes replied in the affirmative. Tony Spadaccia, representing Waste Management, advised that the resolution did not address this issue as the sole status was granted under the original franchise agreement.

Scott Moorcroft, 4650 SW 70 Terrace, questioned who would be responsible for damage done by Waste Management trucks.

Scott Brandon, 886 SW 120 Way, spoke of the communication snag between the Town, Waste Management and residents with regard to bulk trash pickup. Mayor Truex apologized on behalf of the Town.

Charles Post, director of the Village Lake Homeowner's Association, voiced his concern that residents were receiving less service for more money, in light of the increase on the tax bill. He objected to the monopoly that this franchise granted. Bill Laystrom, representing Waste Management, had won the competitive bid and that the prices were actually lower monthly. Regarding residents with more than 15 yards of bulk waste, Mr. Laystrom suggested: 1) holding back waste until the next pickup; 2) paying \$15 per yard for Waste Management to pick up; or 3) using the green cart to put out additional waste.

Mayor Truex asked about the procedure to repair damages caused by Waste Management truck claws. Mr. Laystrom believed that this was addressed in the base contract and advised that a complaint procedure was in place.

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Councilmember Crowley spoke of residents who had not received any notice of the changes. Councilmember Starkey stressed the need for clear dissemination of information to residents. Councilmember Paul felt moving to the cart system caused a reduction in service despite the lower fee and wanted to see more bulk collection accepted monthly.

Councilmember Crowley made a motion, seconded by Vice-Mayor Hubert, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Hubert - yes; Councilmember Crowley - no; Councilmember Paul - no; Councilmember Starkey - yes. (Motion carried 3-2)

Ordinance - Second and Final Reading

6.2. **BUDGET AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING A REVISION TO THE ESTIMATED REVENUES AND APPROPRIATIONS FOR THE FISCAL YEAR 2005.** {Approved on First Reading August 17, 2005 - all voted in favor}

Town Clerk Muniz read the ordinance by title.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Councilmember Crowley made a motion, seconded by Vice-Mayor Hubert, to approve. In a roll call vote, with Councilmember Paul out of the room, the vote was as follows: Mayor Truex - yes; Vice-Mayor Hubert - yes; Councilmember Crowley - yes; Councilmember Paul - out of room; Councilmember Starkey - yes. (Motion carried 4-0)

Ordinances - First Reading (Second and Final Reading to be held September 21, 2005)

6.3. **VACATION - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING VACATION PETITION VA 10-1-04 RICK CASE HYUNDAI, VACATING AN ADDITIONAL RIGHT-OF-WAY DEDICATION AS SHOWN ON THE PLAT OF POINTE WEST CENTER NORTH, AS RECORDED IN PLAT BOOK 172, PAGES 136 AND 137, OF THE PUBLIC RECORDS OF BROWARD COUNTY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.** (3550 Weston Road) (tabled from August 17, 2005)

Mr. Parke read the rules of evidence and swore in the witnesses. Town Engineer Larry Peters summarized the staff report.

Gary Brown, representing the petitioner, explained the nature of the vacation request.

Mr. Parke opened the public hearing portion of the meeting. As no one spoke, Mr. Parke closed the public hearing and turned this portion of the meeting over to Council for disclosures. Council had no disclosures.

Councilmember Crowley made a motion, seconded by Vice-Mayor Hubert, to approve item 4.23. In a voice vote, all voted in favor. (Motion carried 5-0)

Councilmember Crowley made a motion, seconded by Councilmember Paul, to approve item 6.3. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Hubert - yes; Councilmember Crowley - yes; Councilmember Paul - yes; Councilmember Starkey - yes. (Motion carried 5-0)

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- 6.4. **AMENDED AGREEMENT** - AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE TOWN OF DAVIE FIREFIGHTERS PENSION TRUST FUND TO CODIFY THE COLLECTIVE BARGAINING AGREEMENT NEGOTIATED BETWEEN THE TOWN AND THE IAFF; AMENDING SECTION FOUR OF THE PLAN TO PROVIDE FOR INCREASED EMPLOYEE CONTRIBUTIONS; AMENDING SECTION SIX OF THE PLAN TO INCREASE THE NORMAL RETIREMENT BENEFIT; AMENDING SECTION FOURTEEN OF THE PLAN TO INCREASE THE MAXIMUM PERIOD OF DROP PARTICIPATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN REPEALER; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Muniz read the ordinance by title. Mayor Truex announced there would be a public hearing on the ordinance at the September 21, 2005 meeting.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Vice-Mayor Hubert asked about the costs to the Town. Don Delaney, actuary for the pension, advised that there were no additional costs above and beyond what the Town currently paid.

Councilmember Starkey made a motion, seconded by Vice-Mayor Hubert, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Hubert - yes; Councilmember Crowley - yes; Councilmember Paul - yes; Councilmember Starkey - yes. (Motion carried 5-0)

- 6.5. **FIREFIGHTER'S PENSION** - AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE TOWN OF DAVIE FIREFIGHTERS PENSION TRUST FUND TO CONFORM WITH THE MINIMUM BENEFIT OF CHAPTER 175, FLORIDA STATUTES; AMENDING SECTION SIX OF THE PLAN TO PROVIDE FOR NORMAL RETIREMENT AT AGE FIFTY-FIVE WITH TEN YEARS OF SERVICE; AMENDING SECTION EIGHT OF THE PLAN TO PROVIDE FOR MINIMUM DISABILITY BENEFITS; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Muniz read the ordinance by title. Mayor Truex announced there would be a public hearing on the ordinance at the September 21, 2005 meeting.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Councilmember Starkey made a motion, seconded by Councilmember Crowley, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Hubert - yes; Councilmember Crowley - yes; Councilmember Paul - yes; Councilmember Starkey - yes. (Motion carried 5-0)

Ordinance - First Reading/Quasi Judicial Item (Second and Final Reading to be held September 21, 2005)

- 6.6. **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 11-1-04, FARIDA PLAT, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM: AG, AGRICULTURAL DISTRICT; TO: R-5, LOW MEDIUM DWELLING DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (950 South Flamingo Road) (tabled from August 17, 2005) *Planning and Zoning Board recommended approval*

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Town Clerk Muniz read the ordinance by title. Mayor Truex announced there would be a public hearing on the ordinance at the September 21, 2005 meeting.

Mr. Parke read the rules of evidence and swore in the witnesses. Mr. Kutney read the staff report and advised that the applicant had held public participation meetings on December 7 and 8, 2004.

Dan Fee, representing the petitioner, discussed the project. Councilmember Crowley asked how on-site drainage would be handled. Mr. Fee advised there would be a retention area.

Mr. Parke opened the public hearing portion of the meeting.

Charles Post, director of the Village of Lake Pines Homeowner's Association, objected to the proximity of the site because of residents' concerns about the traffic impacts.

Scott Brandon spoke of the community's efforts to curb speeding and was concerned about traffic impacts.

Councilmember Starkey questioned why the access did not come off Flamingo Road. Mr. Fee explained why using Flamingo Road for access would cause the applicant additional problems. Councilmember Starkey questioned the likelihood of getting additional rights-of-way from adjacent property owners. Mr. Fee spoke of one resident who stated she would not be willing to do this.

Councilmember Paul questioned whether the applicant had assumed access would be provided on the other roadway. Mr. Fee advised that the property to the north had access that went on and off the site.

Mr. Parke closed the public hearing and turned this portion of the meeting over to Council for disclosures. Council had no disclosures.

Councilmember Starkey did not know how the road could accommodate more traffic and felt access should have been placed on Flamingo Road. Mr. Fee advised that the applicant could not utilize the property because the property owner to the north had access to it. Vice-Mayor Hubert questioned how the Town could take another property owner's land to make a road. Mayor Truex stated this was a case of property right versus property privilege and that the rezoning had nothing to do with the access issue.

Councilmember Crowley referred to the ingress/egress easement north of the animal hospital and asked why this could not be used. Mr. Fee replied that the easement would need to be 50 feet for use as a public road. Councilmember Crowley requested a survey as backup and complained about the illegibility of the plans before Council.

Councilmember Paul asked if Council could stipulate that the land revert back to agricultural, if the site plan or plat were not approved. Mr. Parke indicated that this could always be stipulated.

Councilmember Crowley made a motion, seconded by Vice-Mayor Hubert, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Hubert - yes; Councilmember Crowley - yes; Councilmember Paul - no; Councilmember Starkey - no. (Motion carried 3-2)

Mayor Truex asked Mr. Fee about the site plan process. Mr. Fee advised the plan had been submitted. Mayor Truex asked whether there would be separate public participation meetings on the site plan or plat. Mr. Kutney responded in the affirmative. Mayor Truex cautioned that the plat not come through without public participation input as the plat would drive the site plan.

Item to be tabled

6.7. STAFF REQUESTING A TABLING TO SEPTEMBER 21, 2005

Adoption of the Proposed Evaluation and Appraisal Report (EAR)

This item was tabled earlier in the meeting.

6.8. STAFF REQUESTING A TABLING TO OCTOBER 19, 2005

SP 7-4-04, B & R Development, 7780 Griffin Road (C)

This item was tabled earlier in the meeting.

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7. APPOINTMENTS

7.1. Airport Advisory Board (one exclusive appointment - Councilmembers Crowley and Paul; terms expire December 2005)

No appointments were made.

7.2. School Advisory Board (two exclusive appointments - Vice-Mayor Hubert; terms expire April 2006) (insofar as possible, members are to have experience in educational matters)

No appointments were made.

7.3. Senior Citizen Advisory Committee (two exclusive appointments - Vice-Mayor Hubert; terms expire April 2006) (members shall be a minimum 60 years of age)

No appointments were made.

7.4. Water and Environmental Advisory Board (one exclusive appointment - Mayor Truex and Vice-Mayor Hubert; terms expire April 2006) (insofar as possible, one member shall be a licensed engineer)

No appointments were made.

8. OLD BUSINESS

8.1. Mitigation Guidelines

Councilmember Crowley spoke in support of the guidelines. Mr. Kutney explained the guidelines and improvements staff proposed for Code Enforcement. Councilmember Starkey wanted a formal adoption process. Council requested that staff package the guidelines as a resolution.

9. NEW BUSINESS

9.1. Relocation of Town Council, and Planning & Zoning Meeting - Councilmember Paul

Mayor Truex advised of a request to change the Planning and Zoning and Council meetings on Davie Commons to a different location.

Council rescheduled this item for discussion at the next meeting.

9.2. Downtown Davie - Mayor Truex

Mayor Truex requested an update on this item. Mr. Kovanes advised of an upcoming meeting to review the facts and findings on this issue. Mayor Truex asked if Councilmembers would object if he represented Council at the meeting. Council had no objections.

Councilmember Starkey spoke of the original plan to provide more space for Development Services. She wanted clarification on why the Space Study was done later and asked how much space was needed for Development Services. Councilmember Starkey questioned whether the original amount allocated had to go back to the Development Services reserve account. Mr. Kovanes advised that the resolution that was eventually passed was to negotiate for 32,000 square feet. He explained that the study issues pertained to all the needs of Town Hall with the final recommendation of 63,000 square feet. He spoke of ongoing concerns and voiced his own reservations on this issue with regard to management of staff off-site.

Mayor Truex asked if Councilmember Starkey did not want to go forward with this deal. Councilmember Starkey stated that she was not in favor of the 63,000 square feet and asked how much square footage was now being considered. Mr. Kovanes replied that the resolution passed for 32,000 square feet.

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**10. MAYOR/COUNCILMEMBER'S COMMENTS
COUNCILMEMBER STARKEY**

GQ MAGAZINE. Councilmember Starkey spoke of the GQ Magazine spread that featured Davie's children.

GOLF TOURNAMENT. Councilmember Starkey spoke of the Boys and Girls Club Golf Tournament on Columbus Day and spoke of the need for additional sponsors.

INJURED CHILD. Councilmember Starkey voiced her concern for a family whose son was injured in an accident and in a coma.

MAYOR TRUEX

ASSISTANCE. Mayor Truex spoke of a letter he received from Pembroke Park asking for assistance for victims of Hurricane Katrina.

WEEKEND CODE ENFORCEMENT. Mayor Truex asked whether there was a weekend contact number for Code Enforcement. Mr. Kutney advised there was usually a staff member for weekend Code Enforcement but the Town was currently short-staffed. He indicated that staff would look into providing the contact number on the website or in *The Davie Update*.

11. TOWN ADMINISTRATOR'S COMMENTS

FARM PARK GRANT. Mr. Kovanes spoke of the high ranking the Town received for the Farm Park grant and advised that this item would be heard on October 13th in Tallahassee.

Councilmember Starkey asked if the County funds plus the State funds added up to the purchase price. Mr. Kovanes replied in the negative and advised that another city had requested money from the County, in which case the Town might fall short by about \$3 million. Councilmember Starkey recalled that Council's previous stance was to not go out on a limb by spending money on this park if the grant was not sufficient.

12. TOWN ATTORNEY'S COMMENTS

No comments were provided.

13. ADJOURNMENT

There being no further business to discuss and no objections, the meeting was adjourned at 12:15 p.m.

Approved _____

Mayor/Councilmember

Town Clerk